

Monday, June 22, 2009

U.S. Department of Transportation
Docket Management System
1200 New Jersey Avenue, SE.
West Building Ground Floor, Room W12-140
Washington, DC 20590

Re: Petition for Exemption from 14 C.F.R. Part 121 (Appendix I, Section V (A) (1))

Dear Sir or Madam:

Pursuant to 14 C.F.R., Para 11.61(b) and Para. 11.81, **Regional Elite Airline Services** hereby submits this petition for exemption.

(a) Contact Information:

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(b) The specific sections of 14 C.F.R. form which you are seeking an exemption:

14 C.F.R. Part 121 (Appendix I, Section V (A) (1)): "No employer may hire any individual for a safety sensitive function listed in section III of this appendix unless the employer first conducts a pre-employment test and receives a verified negative drug test results for that individual."

(c) The extent of the relief that you are seeking and the reason you are seeking that relief.

On September 1, 2009, **Regional Elite Airline Services** will begin operation. **Regional Elite Airline Services** is the consolidation of all ground operations team members of Mesaba Airlines, Comair and Compass Airlines. **Regional Elite Airline Services** will have oversight of all Delta Connection-handled stations (approximately 165 cities) including operational oversight, standard and consistent product delivery.

All airlines, Mesaba, Comair and Compass, have drug testing programs under separate operating certificates, as required by 14 C.F.R. Part 121, Appendix I. All airlines comply fully with all elements of the program. At time of start-up, approximately **1100** Ground Security Coordinators, currently performing safety sensitive duties for Mesaba, Comair and Compass, will consolidate and become employees of **Regional Elite Airline Services**. Each airline has retained records of verified negative DOT pre-employment drug tests for these employees and will transfer all such records to **Regional Elite Airline Services** upon the date of transfer.

Regional Elite Airline Services hereby petitions the FAA for an exemption from 14 C.F.R., Part 121, Appendix I, Section V (A)(1), as it is related to pre-employment testing only, to permit employees who now perform the safety sensitive functions of a Ground Security Coordinator for Mesaba, Comair and Compass to perform identical functions for **Regional Elite Airline Services** without being subject to additional pre-employment drug testing.

(d) The reasons why granting this request is in the public interest:

All of Mesaba, Comair and Compass employees in safety-sensitive positions have been screened for illicit drug use in full compliance with the requirements of Appendix I. Each was tested prior to starting employment. Accordingly, Mesaba, Comair and Compass have met the public interest in ensuring that illicit drug users are detected and prevented from performing safety sensitive duties. Requiring pre-employment testing as a result of a consolidation would be duplicative, impose unnecessary costs in challenging economic times and delay the consolidation and start up of **Regional Elite Airline Services**. Any applicant/employee not coming from Mesaba, Comair or Compass will be subjected to usual, regulated, DOT pre-employment testing under 14 C.F.R. Part 121, Appendix I, Section V (A)(1).

(e) The reasons why granting the exemption would not adversely affect safety, or how the exemption would provide a level of safety at least equal to that provided by the rule from which the exemption is sought:

The exemption would not adversely affect safety because Mesaba, Comair and Compass have already screened their employees in safety sensitive functions and all employees will continue to be subjected to drug testing requirements on a continual basis after the consolidation. Moreover, the FAA has not issued any civil penalties against Mesaba Airlines, arising out of their drug-use programs.

- (f) A summary to be published in the Federal Register stating the rule from which an exemption is sought and a brief description of the nature of the exemption sought:

Pursuant to 14 C.F.R. Para. 11.87, **Regional Elite Airline Services** respectfully requests that the FAA find good cause for not publishing a summary of this petition to avoid delay in acting on this petition.

First, **Regional Elite Airline Services** believes granting this petition would be consistent with the precedent of granting exemptions requesting identical relief on the basis of a merger or two air carriers.

Second, **Regional Elite Airline Services** is aware of the fact that the FAA gives consideration to whether the party filed its petition in a timely manner. We acknowledge that pursuant to 14 C.F.R. Para. 11.63 (d), entities must submit their petitions 120 days before they need the exemption to take effect. **Regional Elite Airline Services** is filing this petition approximately 75 days prior to the consolidation of regional connection ground operations groups. **Regional Elite Airline Services** respectfully requests the FAA act on this petition by August 1, 2009. The consolidation is scheduled to occur on September 1, 2009.

- (g) If you want to exercise the privilege of your exemption outside the United States, the reason why you need to do so:

Regional Elite Airline Services does not need to exercise the privilege of this exemption outside the United States.

Respectfully submitted,



Jannie Guzik

Director of People, **Regional Elite Airline Services**